

COUNCIL CONSTITUTION COMMITTEE

Minutes of a meeting of the Council Constitution Committee held on Tuesday, 13th April, 2010 in the Civic Offices, Telford, Shropshire

PRESENT: Councillors I.T.W. Fletcher (Chairman), R.K. Austin, A.J. Eade, G.M. Green, J.M. Seymour, V. Tonks and D.R.W. White

CCC-11 MINUTES

RESOLVED – that the minutes of the meeting of the Council Constitution Committee held on 8 December, 2009 be confirmed and signed by the Chairman.

CCC-12 APOLOGIES FOR ABSENCE

None.

CCC-13 DECLARATIONS OF INTEREST

None.

CCC-14 REVISION OF THE COUNCIL'S CONSTITUTION

The report of the Head of Governance sought the Committee's approval of the proposed changes to the Council's Constitution and their recommendation for approval by Full Council.

A number of amendments were required to Section 6 – Financial Regulations to reflect the revised organisational structures/responsibilities and to ensure good governance. In addition, following the restructuring, the deletion of Part 7 – Management Structure was proposed. The main changes to Article 12 were required to incorporate recent legislation requiring local authorities to have a designated Director of Children's Services, a Director of Adult Social Care and a Scrutiny Officer. Minor changes to the Terms of Reference of the Audit Committee were proposed to include the requirement for the Committee to monitor in addition to reviewing the Council's Treasury Management arrangements and changes for the purposes of clarification were proposed to the Terms of Reference of the Appeals Committee.

Following the consultations responses received, the final Scheme for Local Petitions was submitted to the Committee. The Democratic Services Manager informed Members that the requirement for the Council to have an e-petitions scheme in place was December 2010. As requested at the meeting of the Committee on 8th December 2009, he would continue to investigate potential software solutions but there were a limited number of available suppliers. Therefore, he was recommending that the straightforward scheme before the Committee be approved in the interim. In agreeing to this proposal, the Chairman referred to the requirement for 5% of the population of the Borough to sign a petition in order to trigger a debate at full Council, and suggested that the inclusion of the number of signatures based

upon the current population of the Borough be deleted to avoid the necessity of amending the Petition Procedure each time revised population figures were published.

With regard to the proposed Scheme for Public Speaking at Plans Board, this had been amended following consultation with the Head of Planning & Transport and the Chairman of the Plans Board. Following these the proposed Scheme had been amended to extend the period allowed for public speaking from three minutes to five and giving the Chairman discretion, in certain circumstances, to extend the time limits for speaking. The Democratic Services informed the Committee, that following approval of the Scheme by full Council, the Parish & Town Councils in the Borough would be provided with details in order that they could organise representatives to attend meetings of the Plans Board as and when required.

The Democratic Services Manager tabled a copy of the response received from Councillor J.M. Seymour relating to the 'Green Carding Process' which allowed Ward Members to ask for an application due to be determined by an officer under delegated authority to be referred to the Plans Board for determination. She said that not all applicants or other interested parties were aware of this and requested that this be made clear in the Leaflet setting out the process for Public Speaking. In addition, Councillor Seymour commented that not all Ward Members were aware that Parish & Town Councils could also 'Green Card' an application and requested that they be advised accordingly.

Councillor Seymour also raised the point that, in a single Member Ward, the Councillor could be approached to speak both for and against a planning application. In such circumstances, and also when the Member was unable to attend a meeting of the Plans Board, she would wish to see the Scheme being amended to permit any Borough Councillor to speak.

The Chairman requested that the Leaflet be amended to clarify that the five minutes allowed for public speaking was the total time for all those wishing to speak on a particular application and to include reference to the Green Card System.

RESOLVED – to RECOMMEND that Council grants approval of:

- (a) the changes to Article 12, Section 6 – Financial Regulations, the Terms of Reference of the Audit Committee, the Terms of Reference of the Appeals Committee together with the deletion of Part 7 – Management Structure within the Constitution;**
- (b) the proposed Scheme for Local Petitions, as set out in Appendix E of the report, subject to the deletion of the population figure shown on the flow chart;**
- (c) the proposed Scheme for Public Speaking at Plans Board, as set out in Appendix F of the report, subject to the amendments and clarification requested by the Council Constitution Committee.**

CCC-15 CHANGE OF EXECUTIVE ARRANGEMENTS

The report of the Head of Governance informed that Committee that Council was required to review its decision-making structures in the light of changes in the law. To do this the Council needed to approve the timetable, proposed consultation process and decision-making structures to ensure that a decision was taken by Council for implementation from May 2011.

Currently the Council elected a Leader, who could then appoint up to nine other councillors to form a Cabinet which was responsible for delivering and implementing the budget and policies that had been decided by the Full Council. Under the Local Government and Public Involvement in Health Act 2007 the Council had to reconsider its decision-making arrangements, principally the two alternative options for executive decision-making that should operate from May 2011, namely (a) Leader and Cabinet or (b) directly elected Mayor and Cabinet.

Option (a) was similar to the current arrangements whereby the Council elected a Councillor as Leader, but for a period of four years rather than just one. As currently the Leader would still appoint up to nine Councillors to act as Cabinet members. However, he would also decide upon their portfolios and the extent to which each Cabinet Member could make decisions on an individual basis. In addition, the Leader would appoint a Deputy Leader who would serve a four-year term. The Council could also make provision in its Constitution for removal of the Leader by resolution.

Under Option (b) a Mayor would be directly elected by voters at the same time as they elected the other Councillors to serve for a period of four years. The Mayor would then choose a Cabinet of not more than nine Councillors with the remaining elected Councillors continuing to have a role on the Council's Scrutiny Committees and to hold the Mayor and Cabinet to account. The Mayor would appoint a Deputy Mayor who would also serve a four-year term. If this option were chosen, the Council would have to decide whether to continue to have a traditional, civic and ceremonial Mayor and, if so, identify a way of differentiating the political Mayor's role from that of the ceremonial Mayor. Alternatively, the directly elected Mayor could carry out civic and ceremonial functions. There would be no provision for the removal of a directly elected Mayor during the four-year term of office.

Appendix 1 of the report set out a comparison between the two options and Appendix 2 provided a detailed timetable for how this matter would be progressed through to Council at the end of November 2010 with implementation under the new Council in May 2011. Following approval of the process and timetable by Council on 29th April, 2010 a further meeting of the Committee towards the end of May would be arranged to agree the consultation documents following an appropriate delegation from Council at its meeting on 29th April, 2010.

The Committee agreed that its preferred option was Leader and Cabinet and Councillor Eade stressed the importance of this option whereby it was possible to make provision for the removal by resolution of a Leader, which would not be possible under the option for a directly elected Mayor.

RESOLVED – to RECOMMEND to Council that:

- (a) the position regarding the proposed changes to the Council’s decision-making structures be noted;**
- (b) that the proposed timetable, as set out in Appendix 2 of the report,2 be approved;**
- (c) that delegated authority be granted to the Council Constitution Committee to agree the consultation documents, as outlined in the report.**

CCC-16 REVIEW OF SCRUTINY ARRANGEMENTS

The report of the Scrutiny Manager requested the Committee to consider the proposed changes to the Council’s Scrutiny arrangements, including the preferred option of the Scrutiny Leadership Board, and to make a recommendation to Full Council

The Scrutiny Leadership Board had agreed that a review of the new Scrutiny arrangements introduced in January 2009 be undertaken once they had been in operation for twelve months. Professor Steve Leach had carried out this review and his report, together with the views of the Scrutiny Assembly and the Cabinet were discussed by the Scrutiny Leadership Board at its meeting on the 25th March 2010. The Cabinet, as a consultee on the Review, had indicated its preference for Option 2, Priority-based sub-groups but the Scrutiny Assembly and the Leadership Board had both recommended Option 3 subject to the Value for Money Scrutiny Group and the Corporate Parenting Group remaining separate rather than being subsumed into the proposed Scrutiny Panels.

The report also drew the Committee’s attention to the further work required to the Constitution regarding the Scrutiny arrangements which could only be undertaken once the new Scrutiny model had been agreed by Full Council on 29th April, 2010. Currently there was no provision in the Constitution for interim Scrutiny arrangements and Appendix 3 of the report proposed an addition to the Constitution to provide for an interim Scrutiny Committee that would be politically balanced and had the power to undertake the Scrutiny function as required under legislation. This Committee would include all the Lead Scrutiny Members appointed at Annual Council on 20th May 2010 and statutory co-optees. Following Annual Council the interim Scrutiny Committee would consider the Scrutiny arrangements and make detailed recommendations to the Council Constitution Committee for subsequent recommendation to Full Council. Once the new Scrutiny arrangements had been agreed by Full Council the interim arrangements would be revoked.

At its meeting on the 30th March 2010 the Audit Committee had recommended that the Joint Health Overview & Scrutiny Committee with Shropshire Council, the Value for Money Scrutiny Group and the Corporate Parenting Scrutiny Group be retained in

their current format until the final Scrutiny structure and arrangements were agreed in order to continue to provide an interim scrutiny facility in a key risk area.

Councillor D.R.W. White, who was the Chairman of the Scrutiny Leadership Board, said that Scrutiny had been operating under its new arrangements for only one year and considered that this had not been a sufficient period of time for their impact to be gauged. He was, therefore, of the view that these existing arrangements should be left in place for a further year. In addition, he stressed the importance of scrutiny being able to look at areas outside of the Council, such as changes in the NHS, and of its strength as a non-political body. These comments were supported by Councillors R.K. Austin and G.M. Green.

Councillor A.J. Eade responded that the 7 proposed Priority based sub-groups was the logical Option to be adopted as they would both reflect and work alongside the concept of 'One Council One Vision'. Each sub-group would be politically balanced with its Chairman being appointed at Annual Council. He considered that this format would increase the accountability of Cabinet Members and Corporate Directors and also provide an opportunity for members to become pro-actively involved with policy delivery. These comments were supported by Councillor J.M. Seymour.

The Committee agreed by a majority vote, with Councillor G.M. Green abstaining, that Option 2 be recommended to Council for approval.

RESOLVED – to RECOMMEND to Council that:

- (a) the model for Scrutiny arrangements be that outlined within paragraph 4.5 (2) in Professor Steve Leach's 'Review of Scrutiny Arrangements at Telford & Wrekin' (Appendix 1), i.e. Option 2 (Priority-based sub-groups);**
- (b) that the processes set out within section 7, paragraphs 7.2 and 7.3, of the report of the Scrutiny Manager (Appendix 2) to agree any consequent changes to the Constitution be approved;**
- (c) that the interim Scrutiny Committee set up under (b) be politically balanced and comprise of 7 Conservative, 4 Labour, 2 Liberal Democrat/Independent and 1 TAWPA members;**
- (d) that the existing Scrutiny Leadership Board be dissolved by Full Council on 24th June, 2010 and the Constitution amended as required.**

The meeting ended at 6.53 p.m.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE - 25th MAY, 2010

CONSULTATION ON THE POSSIBLE CHANGES TO THE EXECUTIVE ARRANGEMENTS

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

- 1.1 For members to consider the consultation documents and consultees that the Council will use to enable it to consult with stakeholders over proposed changes to its decision-making structures as required by law.

2.0 RECOMMENDATIONS

Members approve:-

- 2.1 **the draft consultation document;**
- 2.2 **the proposed consultees and timetable.**

3.0 SUMMARY

- 3.1 On the 29th April 2010 full Council approved a proposed timetable for ensuring that, as required, full Council can consider final proposals before the end of this calendar year, attached at Appendix 1.
- 3.2 Council also delegated the power to this committee to review and approve final consultation documents and approved an overview of those to be consulted.
- 3.3 Attached at Appendix 2 is the information on the differences between the 2 models as outlined at the previous committee.
- 3.4 Attached at Appendix 3 is a copy of the consultation information to be inserted on the website and in Insight. There are also additional documents attached which will be available through the website or on request.
- 3.5 Consultation will take place with those as outlined in paragraph 5.4 below.

4.0 PREVIOUS MINUTES

- 4.1 Council's Constitution Committee – 13 April 2010 (CB-15)
Council - 29 April 2010 (Minute No. 106)

5.0 **INFORMATION**

- 5.1 Members, during the debate at both the Council Constitution Committee and full Council gave a very clear steer to officers that they whilst they accepted that this was a legal requirement and consultation was a crucial element of the process the nature and level of consultation needed to be planned to be proportionate to the issue to ensure that resources diverted from delivery of Council priorities was kept as low as reasonably possible. The consultation process has been designed with that guiding principle in mind.
- 5.2 In terms of the process to be followed, the Local Government and Public Involvement in Health Act 2007 sets out certain requirements which Local Authorities must satisfy when changing the Governance arrangements. These are:-
- 5.2.1 The Authority must draw up formal proposals for the new arrangements, but before doing so, must consult the public in relation to their draft proposals. As a minimum, the draft proposals will be placed on the Council's Website and a Notice must be placed in a local newspaper advising the public of the proposed changes required by the 2007 Act.
- 5.2.2 Following such consultation, the Authority must draw up formal proposals. The proposals must be the subject of a Notice in a local newspaper and on the Council's Website describing the proposals and where information about them is available.
- 5.2.3 In drawing up the proposals, the Authority must consider the extent to which, if implemented, the proposals are likely to assist in securing continuous improvements in the way in which its functions are exercised and having regard to the economy, efficiency and effectiveness of the same.
- 5.2.4 A Resolution of the Council will be required by the end of December 2010 to implement the change to the City Council's Governance arrangements.
- 5.2.5 Following the passing of the Resolution, a further Notice must be placed in a local newspaper with the relevant details.
- 5.3 The consultation timetable in Appendix 1 outlines that the information will be on the Council's website from 1st June to 31st August 2010 and there will be information in the June edition of the Insight.
- 5.4 The consultees were outlined in the timetable but have now been clarified as:
- a) The community
 - b) Parish Council's
 - c) Members of the Local Strategic Partnership (LSP)
 - d) Political associations
 - e) Scrutiny members

This list covers the consultees identified in the original timetable. All consultees will have the opportunity to vote on line or by correspondence. The community consultation will be through the website and Insight, for Parish Council's a letter will be sent to each Parish and there will be an item on the Parish Forum meeting agenda during the consultation period. The LSP is made up of the Council's other main stakeholders and again they will each receive a letter and an item at one of their meetings during the consultation period. The political associations will be written to. The Democratic Services Manager will attend a Group meeting for each of the groups on the Council during the consultation period to answer questions. Scrutiny members will also be consulted through a meeting.

- 5.5 Following consultation a preferred solution will be identified and agreed by Council on 7th October and the same consultees will be notified of this preferred option during the period 11th October to 19th November 2010. Those who have specifically made representations will be contacted separately.

6.0 **OTHER INFORMATION**

Equality & Diversity	The consultation process will be designed to integrate equality and diversity issues.
Environmental Impact	None arising directly from this report.
Legal Comment	The legal comment is set out within the main body of this report.
Links with Corporate Priorities	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
Opportunities & Risks	The opportunities and risks associated with this process have been assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.
Financial Implications	There will be marginal costs of making changes to the existing Constitution to accommodate the move from the existing Leader and Cabinet Model to the new Leader and Cabinet Model. However, there will be substantially more costs of moving to any Elected Mayor and Cabinet Model from the existing Leader and Cabinet Model. Such costs are difficult to quantify, at present, or justify on value for money or in terms of any objectively quantified economy, efficiency or effectiveness of service improvement grounds. A fundamental review of the Constitution will, of course, be necessary to reflect any Elected Mayor arrangements, plus the costs associated with running an election for an Elected Mayor in May 2011, if the council resolved to adopt, in December 2010,

	<p>the Elected Mayor Model of Governance.</p> <p>An Elected Mayor may, of course, appoint consultants or advisors to assist him / her. Such posts would be in addition to Cabinet Members. This could, therefore, create additional cost pressures on the Council.</p> <p>Summary information in respect to costs has been included in the consultation information.</p>
Ward Implications	Borough wide

7.0 BACKGROUND PAPERS

Council Constitution
Local Government Public Involvement in Health Act 2007

Report prepared by Jonathan Eatough, Head of Governance, telephone 01952 383200

Appendix 1

Timetable for Process to consider options and agree changes to the Council's Executive Governance arrangements

Date	Committee/action	Purpose
13/04/10	Council's Constitution Committee (CCC)	To consider options and to recommend to Council the process and timetable for the review of the Council's Executive Governance arrangements.
29/04/10	COUNCIL	To agree the process and timetable for the review of the Council's Executive Governance arrangements. To agree delegation to the CCC to agree the consultation documentation.
01/04/10 – 21/05/10	Develop consultation documentation	Governance, Corporate Core service areas and reviewed by CMT
Tbc but during w/c 24/05/20	Council's Constitution Committee (CCC)	To agree the consultation documents (under delegation from Council).
01/06/10 to 31/08/10 (3 months)	Consultation	All affected by the Council's Executive Governance arrangements – including the Community, citizens panel, stakeholders, partners, parish councils, scrutiny etc (not an exhaustive list)
Early September 2010	Evaluation of responses	Governance & CMT
14/09/10 (moved from 07/09/10)	Present preferred option to Council's Constitution Committee (CCC)	Consider output from consultation and evaluation and recommend preferred proposal to Council for further consultation
07/10/10	COUNCIL	
11/10/10 - 19/11/10 (6 weeks)	Consultation on preferred option	To all previous consultees but particularly to those who made a comment.
23/11/10 29/11/10	Final papers to CMT and then prepared for despatch for CCC	Final papers prepared for CCC for recommendation to Council
07/12/10	Council's Constitution Committee (CCC)	Agree future arrangements to make final recommendations to Council.
16/12/10	COUNCIL (additional meeting)	To approve future arrangements
17/12/10 – 07/02/11 10/02/11	Update Constitution to reflect approved arrangements and reviewed by CMT	Governance
11/01/11 or 22/02/11	Council's Constitution Committee (CCC)	Review amendments to the Constitution to reflect approved arrangements
03/03/11	COUNCIL	Approve changes to the constitution to reflect the approved arrangements

Appendix 2

Leader and Cabinet Executives compared with Elected Mayor and Cabinet Executives

	Leader and Cabinet	Elected Mayor and Cabinet
Status	As now, the leader would be elected by the Council in May 2011	The mayor is not a councillor but is directly elected by voters.
Term of office	The leader's term of office would start on the day of his or her election as leader and ends four years later on the day of the post-election annual Council meeting.	The term of office of an elected mayor is expressly said to be four years.
Discharge of functions	The leader may discharge executive functions or may arrange for their discharge by: the cabinet, a member of the cabinet, a committee of the cabinet or an employee of the Council.	The mayor may discharge executive functions or may arrange for their discharge by: the cabinet, a member of the cabinet, a committee of the cabinet or an officer of the authority.
Appointment of Cabinet	The Council's constitution must provide for the leader to determine the number of councillors appointed to the Cabinet but this must be no less than two and no more than ten.	The constitution must provide for the mayor to determine the number of councillors appointed to the Cabinet but this must be no less than two and no more than ten.
Deputy	The leader must appoint a deputy leader, who will hold office as such until the end of the leader's term of office unless he or she resigns as deputy leader, ceases to be a member of the Council, or is removed by the leader. If the office of deputy leader is vacant, the leader must appoint one.	The mayor must appoint a deputy mayor, who will hold office as such until the end of the mayor's term of office unless he or she resigns as deputy mayor, ceases to be a member of the authority, or is removed by the elected mayor. If the office of deputy mayor is vacant, the mayor must appoint one.

	Leader and Cabinet	Elected Mayor and Cabinet
Provisions if unable to act	If the leader is unable to act or the office of leader is vacant, the deputy leader must act in his or her place. If neither the leader nor the deputy leader is able to act, the cabinet must act in the leader's place or arrange for a member of the cabinet to do so. .	If the elected mayor is unable to act or the office of elected mayor is vacant, the deputy mayor must act in his or her place. If neither the mayor nor the deputy mayor is able to act, the cabinet must act in the mayor's place or arrange for a member of the cabinet to do so.
Removal	A local authority's constitution may provide for the council to remove the leader by resolution at any time during the term.	No provision for removal during the mayor's term of office.
Appointment of assistants	In the Leader and Cabinet model, there is not a direct equivalent to the power for the Secretary of State to provide for the appointment of a person to provide assistance to an elected mayor. However, the Local Government and Housing Act 1989 contains provisions for the appointment of assistants by political groups.	The Secretary of State may by regulations make provision for or in connection with the appointment of a person to provide assistance to an elected mayor. The (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 have been made to provide for this.
Civic and ceremonial duties	The Council would be entitled to retain a civic and ceremonial Mayor who would also chair meetings of the full Council.	Only the directly elected Mayor could use the title of "Mayor". The Council could decide to disestablish the position of a civic and ceremonial Mayor. In which case the directly elected Mayor would decide to what extent he or she would wish to perform civic and ceremonial functions. A Councillor would have to be appointed to chair Council meetings if the traditional position of civic and ceremonial Mayor was disestablished

Consultation Documents

Website

LOGO

How do you want Telford & Wrekin Council to be run?

Consultation on new executive arrangements *Consultation closes Tuesday 31 August 2010*

If you would wish to receive this consultation document in an alternative format, such as large print, please let us know by contacting Democratic Services by either:

e-mail democraticservices@telford.gov.uk
telephone on (01952) 383211.

Telford & Wrekin Borough Council is reviewing its existing executive arrangements following legislation passed by the Government. The legislation requires the Council to change its executive decision making process to one of two leadership options, namely Strong Leader or Elected Mayor. The Council would like to find out your views on the two options. At the end of this consultation document are 2 questions.

This explanation is intended to give you background information. More detailed information can be found in the following documents:

☐ A copy of the report recently submitted to Council members.

<http://www.telford.gov.uk/NR/ronlyres/11D66955-0E11-4F9B-8A78-2BD1EC81B79B/0/REporttoccc130410.pdf>

☐ A House of Commons briefing note on the subject of Directly Elected Mayors.

<http://www.telford.gov.uk/NR/ronlyres/B2FC2E54-A711-4105-92B5-F341D7418F3C/0/houseofcommonspaper.pdf>

☐ A series of 3 essays discussing the pros and cons of the Directly Elected Mayors published by Localis (an independent think-tank).

<http://www.telford.gov.uk/NR/ronlyres/F85FFDCB-86A7-4380-9844-F0B0F4AB8CD8/0/Localisreport.pdf>

(Copies of all 3 documents listed above can be viewed at the Main Reception area at the Civic Offices, Telford Town Centre, Telford).

Background to the review

Under the existing leadership arrangements, Telford & Wrekin Council has a Cabinet of seven Councillors which is chaired by the Leader of the Council. Members of the Cabinet are appointed by the Leader at the start of each Council year beginning in May. The Cabinet is formed by the majority party and has a wide range of executive responsibilities, including the power to determine all proposals, within existing policy,

which require member approval, and carry out all functions that are not otherwise reserved to the Council, its Committees or delegated to Officers.

New legislation has been introduced by the Government which requires any Council which currently operates executive arrangements to adopt one of two options. The Council is seeking, through this consultation, the views of the community, stakeholders, partners, parish councils, political parties and the Chamber of Commerce in order to inform a decision on which of the two options to adopt. That decision will be made by a Special Meeting of the Full Council to be held later this year.

The options

Under the new legislation, the Council can opt for one of two models:

1. Strong Leader and Executive Cabinet – comprises a Councillor elected as Leader by the Council for a four year term, and two or more Councillors appointed to the Cabinet by the Leader. The Council would still have the power to remove the Leader from office.

2. Directly Elected Mayor and Cabinet – comprises a directly elected Mayor for a four year term who appoints two or more Councillors to the Cabinet. The Elected Mayor could not be removed from office by the Council.

In each case, the Leader/Mayor would hold responsibility for all executive functions. He/she would appoint Councillors to a Cabinet and delegate decision making powers to individual Councillors and Officers. The Council as a whole would continue to approve the annual budget, key Council policies and set council tax levels. The key difference is how they are appointed and removed from office.

The directly elected Mayor is not a Councillor, but is chosen in a separate election and cannot be removed by the Council.

The Strong Leader would be an elected Councillor, elected as Leader by the Council. The Council would also retain powers to remove the Strong Leader from office.

The arrangements for decision making in relation to regulatory and governance functions (e.g. licensing, planning, electoral matters, and staff appointments) are not the responsibility of the Cabinet and will remain unchanged.

What happens to the civic Mayor?

Under the Strong Leader model there would be no change to the position and role of the Mayor. A Civic Mayor would still be elected from among the members of the Council each year at the annual meeting.

If an Executive Mayor was directly elected, the responsibilities of a Civic Mayor would be undertaken by a Council Chairman.

Should a referendum be held?

If the Council was minded to adopt the Directly Elected Mayor model it could choose to hold a referendum. All local electors would then have a chance of saying if they wanted this model or not. The Council is only obliged to hold such a referendum if a petition

signed by over 5% of the Borough's electors is received.

If a referendum is held the Council must abide by the voters' decision (even if there is a low turn-out).

The Council cannot hold a referendum if it is minded to adopt the Strong Leader model as there is no legal basis for holding such a poll.

Are there extra costs?

The Strong Leader model would cost no more than the current arrangements.

There would be extra costs if there was a Directly Elected Mayor:

- If the Council decides that a referendum should be held then it is likely that the costs of holding the poll will run to about £100,000. The poll would have to be run in the same way that local or parliamentary elections are conducted with poll cards being issued, polling stations set up and electors allowed to vote by post if they have chosen this method of voting.
- Every 4 years an election would be held for the Mayor. Although this would be held at the same time as the election of Councillors, there would be some additional costs specific to the Mayoral election. These would be between £20,000 and £35,000 depending on the extent to which the Council agrees to fund the leaflet which has to be sent to all electors giving details of Mayoral candidates.
- There will an annual on-going increase in allowances for the Directly Elected Mayor and his/her deputy and a potential increase in administrative costs of support and advice to an independently mandated Mayor (prudent estimate £50,000).

Timetable

The Council must opt for one of the above models by December 2010, for implementation after the elections in May 2011. We are seeking feedback from residents and interested parties on the model you would prefer to see.

Consultation questions

Please use the online Local Democracy Contact Form to send us your comments, by Tuesday 31 August 2010 at the latest.

(Alternatively write to Democratic Services, Civic Offices, Telford, TF3 4HD or e-mail democraticservices@telford.gov.uk with the words "Executive Consultation" in the enquiry subject line).

Please answer the following questions.

1. Preferred option:

- **Strong Leader**
- **Directly Elected Mayor**

2. **Please provide one or more reasons for your choice of model and any further comments you would like to make.**

Monitoring Information¹

Please complete the following information. All responses will remain strictly confidential

3. **Do you live in the Borough?**

- Yes**
- No**

4. **Name, Address including postcode, Email and Telephone Number (for validation purposes only)**

If you have any questions relating to this consultation please contact Phil Griffiths, Democratic Services Manager on (01952) 383211 or democraticservices@telford.gov.uk

Insight Article

¹ Monitoring information will be securely disposed of once the Council decision has been made.

Insight

Insert LOGO here?

How do you want Telford & Wrekin Council to be run?

Consultation on new executive arrangements

Consultation closes Tuesday 31 August 2010

Telford & Wrekin Borough Council is reviewing its existing executive arrangements following legislation passed by the Government. The legislation requires the Council to change its executive decision making process to one of two leadership options, namely Strong Leader or Elected Mayor. The Council would like to find out your views on the two options.

This brief explanation is intended to give you background information. More comprehensive information can be found on the Council's website including a detailed comparison of the differences, what happens to the Civic Mayor, information about a referendum and additional costs.

<http://www.telford.gov.uk/Council+democracy/ConsultationonnewExecutiveArrangements.htm>

The options

Under the new legislation, the Council can opt for one of two models:

1. **Strong Leader and Executive Cabinet** – comprises a Councillor elected as Leader by the Council for a four year term, and two or more Councillors appointed to the Cabinet by the Leader. The Council would still have the power to remove the Leader from office.

2. **Directly Elected Mayor and Cabinet** – comprises a directly elected Mayor for a four year term who appoints two or more Councillors to the Cabinet. The Elected Mayor could not be removed from office by the Council.

In each case, the Leader/Mayor would hold responsibility for all executive functions. He/she would appoint Councillors to a Cabinet and delegate decision making powers to individual Councillors and Officers. The key difference is how they are appointed and removed from office. The arrangements for decision making in relation to regulatory and governance functions will remain unchanged.

Timetable

The Council must opt for one of the above models by December 2010, for implementation after the elections in May 2011. We are seeking feedback from residents and interested parties on the model you would prefer to see.

You can vote on line at:

<http://www.telford.gov.uk/Council+democracy/ConsultationonnewExecutiveArrangements.htm>

Or complete the form below and return it to Democratic Services, Civic Offices, Telford, TF3 4HD

Please answer the following consultation questions:

1. Preferred option for the Council's Executive Arrangements:

- Strong Leader
- Directly Elected Mayor

2. Please provide one or more reasons for your choice of model and any further comments you would like to make.

Monitoring Information²

Please complete the following information. All responses will remain strictly confidential

3. Do you live in the Borough?

- Yes
- No

4. Name, Address including postcode, Email and Telephone Number (for validation purposes only)

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² Monitoring information will be securely disposed of once the Council decision has been made.



Directly-elected mayors

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Section Parliament and Constitution Centre

The *Local Government Act 2000* introduced executive arrangements in place of the committee system for most local authorities in England and Wales. Two of the three executive leadership models on offer involved directly-elected mayors. The introduction of a mayoral system required prior approval by local referendum, and the Act also provided for local residents to be able to trigger a referendum by petition. In the event, just 12 authorities (excluding the Greater London Authority) adopted mayoral systems and this number has since fallen to 11.

The *Local Government and Public Involvement in Health Act 2007* made changes including the establishment of just two executive models for England (directly-elected mayor with cabinet and indirectly-elected leader with cabinet) and allowed councils to opt for a mayoral system by simple resolution without the need for a referendum.

This note gives further information on these matters and summarises the position on mayoral referendums, petitions and elections. It also sets out political party views on mayors. There is a separate note on the Mayor of London (SN/PC/4999) whose position derives from the Greater London Authority Acts.

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1 Background: the introduction of directly-elected mayors

Part II of the *Local Government Act 2000* required local authorities in England and Wales to make "executive arrangements" involving the formal separation of powers. This replaced the committee system which had previously been the normal decision-making structure in local government. The new system was designed to separate out the executive role from the backbench role so that it would be clear to councillors and public alike where the responsibility for a particular decision lay. Councillors who were not involved in taking decisions would have a clear and explicit responsibility to review and question those decisions.

The 2000 Act prescribed three main forms of executive, as follows:

- **Directly-elected mayor with a cabinet** consisting of two or more councillors appointed by the mayor;
- **Indirectly-elected leader and cabinet** - a councillor would be elected as leader of the executive by the full council, with a cabinet consisting of two or more councillors appointed by the executive leader or the full council; and
- **Directly-elected mayor and council manager** – mayor to be directly-elected but an officer of the authority is appointed to the executive by the full council;
- A fourth option, the adoption of streamlined committee arrangements, was available to district councils with populations of fewer than 85,000 persons.

Every council was required to consult local people about the new form of political management that it should adopt. If one of the two elected mayoral options was adopted, the consent of local electors had to be obtained by means of a referendum. And councils could be compelled to hold a referendum when (a) 5% of local electors petitioned the council for a referendum on whether there should be an elected mayor, or (b) the Secretary of State considered that a council was misrepresenting the views of local people.

A census in 2002¹ found that most authorities (316 or 81%) had opted for the leader and cabinet model while just 11 authorities, or 3%, had adopted mayoral systems. This figure subsequently rose to 12, excluding the Mayor of London, following a referendum in Torbay in 2005. However, it was reduced to 11 again in June 2009 when the mayor and council manager system in Stoke-on-Trent was replaced by a leader/cabinet system.² The remaining 59 smaller authorities had adopted modified committee arrangements.

2 The Local Government and Public Involvement in Health Act 2007

The Government expressed disappointment in the 2006 local government white paper, *Strong and prosperous communities*, that only 12 local authorities had adopted the "strongest leadership model, an elected mayor". It proposed that the powers and period in office of a leader with cabinet should match those of a mayor. Additionally, it proposed to drop the requirement that a local authority must hold a referendum if it wished to adopt a mayoral system.

¹ Stoker, Gerry et al, *Report of the ELG survey findings for ODPM Advisory Group*, ODPM, 2002

The *Local Government and Public Involvement in Health Act 2007* implemented many aspects of the white paper in respect of England. For mayors, these included:

- Referendum no longer required for the adoption of a mayoral system. A resolution of the council, approved by a two thirds majority, will suffice though there must be consultation of local electors. A council can make the decision subject to a vote in a referendum if it wishes to. Local people can still demand a referendum by petition.
- Time between referendums extended – no more than one referendum in any period of 10 years.
- Abolition of the mayor and council manager option.

The Act requires all principal authorities which operate executive arrangements to adopt one of the two leadership models on offer. These are: (1) the mayor and cabinet executive, and (2) the new-style leader and cabinet executive. In the latter case, the leader is elected for four years (or until his/her term of office expires if the council elects by halves or thirds) and appoints the executive.

Councils which already have mayoral systems need take no action but those with old-style leader and cabinet models must resolve (having taken reasonable steps to consult locally) to adopt one or other of the new models by a specified date. This is the end of December in the year before their next elections. Thus:

Type of local authority	Permitted resolution period
Metropolitan district	Period ending with 31 December 2009
County	Period ending with 31 December 2008
London borough	Period ending with 31 December 2009
Non-metropolitan district	Period ending with 31 December 2010

3 Where are the mayors?

There have been 36 mayoral referendums in England (excluding that for the Greater London Authority³) and 1 in Wales. Of the 37 referendums, 12 have voted for a mayor and 25 have rejected the system. The current list of mayors (excluding the Mayor of London) is as follows:-

Place	Name	Party	Last elected
Bedford BC	Frank Branston	Independent	2007

² Stoke-on-Trent was the only council to adopt the mayor and council manager model. This option was abolished by the *Local Government and Public Involvement in Health Act 2007*. In a referendum in October 2008, local people voted in favour of a leader and cabinet system. The mayoral system ended along with the Mayor's term of office in June 2009.

³ The office of Mayor of London was established by the *Greater London Authority Act 1999* as amended by the *Greater London Authority Act 2007*. The post is an elected one but it is rather more akin to that of a strategic and regional co-ordinator than the leader of a local authority.

Doncaster MBC	Peter Davies	English Democrats	2009
Hartlepool BC	Stuart Drummond	Independent	2009
LB Hackney	Jules Pipe	Labour	2006
LB Lewisham	Steve Bullock	Labour	2006
LB Newham	Sir Robin Wales	Labour	2006
Mansfield DC	Tony Egginton	Independent	2007
Middlesborough BC	Ray Mallon	Independent	2007
North Tyneside MBC	Linda Arkley	Conservative	2009
Torbay Council	Nicholas Bye	Conservative	2005 (October)*
Watford BC	Dorothy Thornhill	Liberal Democrat	2006

* Next election in Torbay due in 2011

4 Mayoral referendums

Councils were required by the *Local Government Act 2000* Act to consult local electors about the form of management structure that they might adopt. A binding referendum was required where:

- The council proposed an elected mayor; or
- 5% of local electors petitioned the council for a referendum on whether there should be an elected mayor; or
- The Secretary of State required a referendum to be held (for example because a council had not produced a formal, detailed proposal or had not consulted adequately).

As stated above, the *Local Government and Public Involvement in Health Act 2007* provided for a council to adopt a mayoral system by resolution and without the need for a referendum. However, the council must undertake local consultation, and it may make the decision subject to endorsement by referendum if it chooses to. Regulations set out the detailed rules for the conduct of mayoral referendums including the wording of the questions, restrictions on publicity, expense limits, and so on.⁴

Period between referendums: Section 45 of the 2000 Act prevented local authorities from holding a referendum more than once every five years. The 2006 white paper envisaged a period of stability after the adoption of mayoral arrangements. It said that, once an authority has made this change, the “presumption will be that it should not move back to an indirectly elected model”.⁵ The 2007 Act therefore extended the period during which only one referendum can be held from five years to ten.⁶

⁴ The *Local Authorities (Conduct of Referendums) (England) Regulations 2007*, SI 2007/2089

⁵ DCLG, *Strong and prosperous communities: the local government white paper*, Cm 6939- I, para 3.28

⁶ Section 69

A consultation paper on changing council governance arrangements, published in December 2008, confirmed the need for a period of stability after a change but suggested that, where a referendum was lost (i.e. a mayoral system rejected), local people should not be denied the chance to seek a change for such a long period. It therefore proposed a moratorium period of four years in such cases.⁷

5 Petitioning for a mayor

In England a petition must be signed by no fewer than 5% of local electors within a twelve month period. In Wales, the threshold for a valid petition is 10%. A council which receives a valid petition must hold a binding referendum. The rules for petitions are set out in the *Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000*.⁸ The DCLG produced an information pack following the 2000 Act which gave guidance to petition organisers as well as a sample petition.⁹

The Government indicated in the communities empowerment white paper, published in July 2008, that it wished to make it easier for local people to demand a directly-elected mayor. It suggested two main ways in which this might be done:

- By permitting on-line petitioning alongside traditional paper petitions;
- By reducing the threshold for petitions from 5% of voters – perhaps to 2%, 3% or 4%.¹⁰

These options are discussed in a DCLG consultation paper issued in December 2008.¹¹ The Local Government Information Unit commented that the threshold adopted:

must be set at a level that demonstrates sufficient interest to justify the cost and other disruptions of a referendum. This will be particularly important where it is possible for campaigners to organise a further petition after four years.¹²

6 Moving away from a mayoral system

As a result of the *Local Government and Public Involvement in Health Act 2007* there are now two models of executive arrangements in England: (1) the directly-elected mayor with cabinet, and (2) the indirectly-elected leader with cabinet. The 2007 Act inserted a new sub-section (1A) into section 34 of the 2000 Act which allows for a petition to trigger a referendum on a move to either form of executive. It should be noted that, where a mayoral system was introduced following a referendum, a further referendum must be held should that authority wish to move to a non-mayoral system.

⁷ DCLG, *Communities in control...changing council governance arrangements – mayors and indirectly elected leaders: a consultation*, December 2008, para 2.12, <http://www.communities.gov.uk/publications/localgovernment/electedmayorsconsultation>

⁸ SI 2000/2852

⁹ DETR, *Petitioning for an elected mayor – information pack*, <http://www.communities.gov.uk/publications/localgovernment/petitioning>

¹⁰ DCLG, *Communities in control: real people, real power*, Cm 7427, July 2008, para 5.17

¹¹ DCLG, *Communities in control...changing council governance arrangements – mayors and indirectly elected leaders: a consultation*, December 2008, para 2.12, <http://www.communities.gov.uk/publications/localgovernment/electedmayorsconsultation>

¹² LGIU, *Mayoral petitions: a consultation*, 19 December 2008

7 Mayoral elections

Government guidance on the DCLG website, published in 2002, explains that the rules for elections of elected mayors replicate the rules for normal local government elections except for the following aspects:

- The voting system;
- Nomination requirements for candidates;
- Free delivery of a booklet of candidates' election addresses; and
- Expenses limits.¹³

On the issue of the voting system, the guidance explains:

Where there are more than two candidates, the voting system used for elected mayors is the Supplementary Vote system, as established by section 42 of, and Schedule 2 to, the Act. Under this system, voters cast first and second preference votes. After counting all of the first preference votes, if no candidate has secured a simple majority of the first preference votes cast, all but the top two candidates are eliminated. Any of the eliminated candidates' second preference votes cast for the remaining candidates are added to those totals, and the one with the most votes is elected as elected mayor. Where there are only two validly nominated candidates, the first-past-the-post system is used.

Detailed rules for mayoral elections are set out in the *Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007*.¹⁴

8 Mayoral powers

In general, mayors (other than the Mayor of London) have had similar powers to those of the executive in a leader/cabinet system. They can set the Budget and certain policy framework plans and their proposals in this regard may only be amended or rejected by a two thirds majority of the council.¹⁵ Mayors were empowered by the *Local Government Act 2000* to decide on the size of the cabinet, appoint cabinet members and decide how, and to what extent, executive functions might be delegated. Functions could be delegated to the executive as a whole, to individual members or committees of the executive and/or to officers. Where devolved structures were in place, functions could be devolved to area committees.¹⁶

It should be noted that the power to appoint the cabinet and delegate functions could also be given to an indirectly-elected leader although, in practice, few councils did.¹⁷ Under the *Local Government and Public Involvement in Health Act 2007*, those powers are being given to indirectly-elected leaders.

¹³ DETR, *New council constitutions: guidance to English authorities*, para 14.14, available at: <http://www.communities.gov.uk/publications/localgovernment/newcouncilconstitutions2>

¹⁴ SI 2007/1024, http://www.opsi.gov.uk/si/si2007/uksi_20071024_en_1

¹⁵ The *Local Government (Standing Orders) (England) Regulations 2001*, SI 2001, 3351

¹⁶ See: DETR, *New council constitutions: guidance to English authorities*, chapter 4: "The Executive", 2000 (updated 2001), <http://www.communities.gov.uk/publications/localgovernment/newcouncilconstitutions2>

¹⁷ See DCLG, *Strong and prosperous communities: the local government white paper*, Cm 6939, October 2006, para 3.17

Some commentators have suggested that mayors should be given specific additional powers. Professor Tony Travers has said:

If Whitehall believes mayors are good, both for civic leadership and to improve policing, then why not show confidence in the model by handing over more responsibilities and perhaps, greater capacities to direct the quangocracy within an area.¹⁸

The Government gave the following commitment in the community empowerment white paper:

We will make the move to a directly-elected mayoralty more attractive to local politicians with an expectation that directly-elected mayors, where they exist, would chair the Local Strategic Partnership and, be the new Crime and Policing representative, as announced by the Prime Minister in the draft legislative programme for 2008-09.¹⁹

9 Political party views

The **Government** said of mayors in the community empowerment white paper:

The Government supports the directly-elected mayoral model for local leadership, because it provides visible leadership for a local area. We believe that elected mayors make it clearer who is responsible for local services, and have the potential to engage more people in politics. A survey in 2004 showed that 57 per cent could name their elected mayor from a prompt list, compared to 25 per cent who could name their council leader.

[...]

We have also established a directly-elected Mayor for London and a Greater London Assembly, with a budget of £11.4 billion. This re-establishment of London-wide government, after an absence of 14 years following the abolition of the Greater London Council (GLC) in 1986, has been deemed a huge success and is now an accepted part of the lives of Londoners. No serious commentator, lobby group or political party now wants to reverse the decision to have a directly-elected mayor and assembly for London. The existence of a high-profile mayor for London helped our capital win the 2012 Olympics.²⁰

The commitments in the white paper concerned petitioning, referendums and mayoral powers. These are discussed in the appropriate sections of this paper.

The **Conservative Party's** Green Paper on local government, published in February 2009, said:

In our biggest cities, there is a strong case for new powers being placed in the hands of a single accountable individual – an elected Mayor who can provide the city with strong leadership. Individual leadership of these councils can benefit local citizens by improving the clarity of municipal decision-making and enhancing the prestige of their city.

The paper pledged:

¹⁸ Tony Travers, "Bleas is optimistic, but don't be too hopeful on devolution", *Local Government Chronicle*, 10 July 2008 p5

¹⁹ DCLG, *Communities in control: real people, real power*, Cm 7427, July 2008, para 5.18

²⁰ *Ibid*, para 5.14

We will legislate to hold a referendum in England's twelve largest cities on having an elected mayor. In these cities, a mayoral system will be established unless voters reject that change.

The cities in question are: Birmingham, Leeds, Sheffield, Bradford, Manchester, Liverpool, Bristol, Wakefield, Coventry, Leicester, Nottingham and Newcastle-upon-Tyne. The paper continued:

In each case the area to be governed by the mayor is the area of the existing single-tier authority. These are all Metropolitan districts except Bristol, Leicester and Nottingham which are Unitary authorities. As now, elected mayors will be held to account by the existing elected Councillors. If the referendums in these nine cities prove to be popular, we will consult on which other cities would benefit from the opportunity to adopt or reject a mayoral system.²¹

Elsewhere, it will be for local authorities to decide on their own governance arrangements. The paper states:

A Conservative government will therefore amend existing legislation to remove the current prescription and allow councils to decide what particular structure they wish to adopt – including a return to the Committee system if they wish. The council will then need to get a democratic mandate by putting their proposed changes to their citizens, either in a referendum to be held at the same time as local elections, or by advocating such a change in the manifesto on which they stand for election.

Of course this democratic accountability works both ways. So, where citizens have approved an existing council structure in a referendum or in a local election, a council will only be able to amend that structure by obtaining a further mandate in support of their proposed changes. In other words, if a mayoral system has been adopted by a referendum, it will require the backing of another referendum to remove it.²²

A **Liberal Democrat** policy paper on local government, adopted at the Autumn 2007 conference, had the following to say about council leadership:

Local leadership is not something that can be imposed on a council or an area. Different communities will develop their own particular styles of leadership that work for them. Liberal Democrats would therefore repeal the provisions introduced in the Local Government Act 2000 (and due to be reformed in the Local Government and Public Involvement in Health Bill) limiting councils to establishing an executive body with all other councillors in a scrutiny role.

We have particular concerns about the routine concentration of power in the hands of one person as in the executive mayor model, especially in ensuring the leadership of a council reflects, as far as possible, the community it represents. Not only would the Liberal Democrats restore the requirement to hold a referendum before creating the post of a directly elected mayor, we would also provide local people with the power to abolish the post of directly elected mayor where it has been introduced.²³

Of internal structures it states:

²¹ Conservative Party, *Control shift: returning power to local communities*, Policy Green Paper No. 9, February 2009, para 3.1

²² *Ibid*, para 3.2

²³ Liberal Democrats, *The power to be different: policy paper 79*, August 2007, Paras 4.10.2 and 4.10.3

Just as we do not believe central government should be dictating to local authorities how leadership is exercised locally, we do not believe that central government should decide on council constitutions. Liberal Democrats believe councils should be able to set up their own constitutional arrangements subject to meeting basic requirements on openness, transparency, accountability and democracy.

Liberal Democrats would abolish the need for councils to have an executive scrutiny split in decision-making. Councils that wished to could return to the committee decision-making structure, which provided an opportunity for all councillors to be involved in decision-making.²⁴

10 Scotland and Wales

The situation in Scotland and Wales is described in a paper published in December 2008 by the Committee on Standards in Public Life (CSPL).²⁵ Of **Wales** it states:

The scope of the Local Government Act 2000...includes Wales, although responsibility for local government policy in Wales has now been largely devolved to the Welsh Assembly Government. As in England, most local authorities in Wales have adopted the leader and cabinet model, although there are a few authorities that have opted for a fourth option, referred to as 'politically balanced boards'. There are no directly elected mayors in Wales, although one local authority held a referendum in response to a petition, in which the proposal for an elected mayor was defeated.²⁶

The *Local Democracy, Economic Development and Construction Bill [HL] 2008-09* contains a clause which gives framework powers to the Welsh Assembly so that it may legislate in the area of executive arrangements.

The CSPL paper describes the situation in **Scotland** as follows:

Following the Macintosh Commission Report on local government under devolution, local authorities were encouraged on a voluntary basis, to examine their decision-making and scrutiny processes. Local authorities in Scotland have introduced a range of new political management structures. Some local authorities have maintained the committee system but streamlined it to try and improve the decision-making process. Some others have moved to executive structures and created formal scrutiny committees or panels. Unlike the executive models in England, there is no locus in law for a leader of a council in Scotland to take an executive decision without the agreement of other councillors.

The main drivers in Scotland for improving openness and accountability have been the Single Outcome Agreements and Best Value regimes arising from the Local Government in Scotland Act 2003. Additionally, the introduction of the Single Transferable Vote in the local government elections of 2007 has transformed the shape of many local authorities in Scotland with 30 out of 32 local authorities now being run by coalitions.²⁷

²⁴ *Ibid*, paras 4.11.1 and 4.11.2

²⁵ CSPL, *Local leadership and public trust: openness and accountability in local and London government*, Issues and Questions Paper, December 2008, http://www.public-standards.org.uk/OurWork/11th_Report.html

²⁶ *Ibid*, para 2.15

²⁷ *Ibid*, paras 2.16 and 2.17

Directly Elected Mayors

Are they appropriate for all major UK cities?

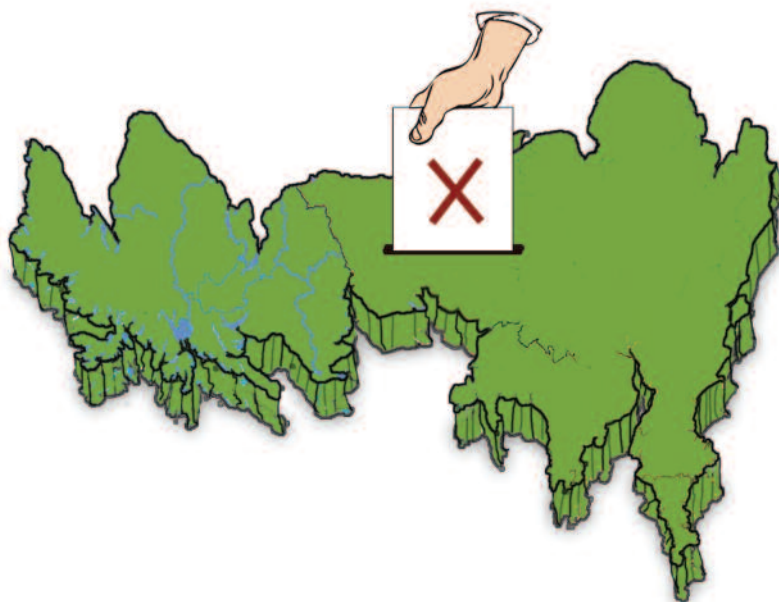
with contributions from

Anthony Browne, Richard Kemp

and **Steve Malanga**

edited by

Tom Shakespeare



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Introduction

Tom Shakespeare, *Localis*

Although we often associate modern style of mayors in the UK (mainly London) as imports from the US, there is a relatively long history of mayors stretching as far back as the 12th Century in UK. Most modern day mayors in the UK are now ceremonial, but there is increasingly becoming an appetite for more elected mayors across the political spectrum. The introduction of the Mayor of London has transformed the governance of London, and has only increased the demand for them across the country. However, many argue that London is a special case – and that the need for a Mayor in London came about because there was a clear political void. But is London a special case, or is there a more widespread political void which elected mayors can fill?

In this first publication of its type for *Localis*, this issue is debated between Anthony Browne, Director of policy for Boris Johnson- an advocate of mayors - and Richard Kemp, Leader of the Liberal Democrat group on the LGA, who is skeptical about their value. The final article, by Steve Malanga of the *City Journal* in the US, takes an international perspective and shows us that the debate about local accountability is not unique to the UK.

In his article, Richard Kemp challenges mayoral supporters to ‘show me the evidence’. He argues that if the current success rate of Mayors was applied across the Country it would be a disaster. He goes on to say that they do not improve turnout and that in fact Council Leaders are frequently just as well known. It is important that local people have a say about how their area is governed, but most importantly – local areas need to have the power to act. This requires a radical overhaul of the quango state, or as Malanga intelligently articulates in his response: “A mayor who is responsible for only a small portion of local government will be as ineffective as an elected council with the same limited responsibilities.”

However, in Anthony Browne’s article, there is a strong sense that

mayors help to improve the profile of local government. In order to overcome the over-centralisation of government in the UK, it is vital that local government proves itself to be strong, and mayors can help to achieve this. In the case of London – the strong political leadership has allowed projects that would not have got off the ground to take off – such as Crossrail or the successful Olympics bid. Another thing that mayors can help to solve is the party political operators which dominate local Councils.

Browne goes on to argue that the reason mayors are not more common now is because of the established political elite who are determined not to give up power.

In Malanga's article there is a recognition that there are a number of different potential mayoral models, ranging from impartial City managers appointed by Council to directly elected mayors – many of which have emerged in the US. His main argument is that different cities have taken different approaches and that this should be welcomed. This chimes very closely with what Localis has argued – local people deciding local governance, and that one solution in one place is not necessarily the best solution in another. There is no one size fits all approach. However, as Malanga and other contributors point out – the lines of political accountability need to be clear. This is a problem which pervades the whole political system – from Regional Development Agencies and central government to local government, and until we address this question changes to the model of governance are unlikely to have any significant impact. Perhaps it is a question of the chicken or the egg – or maybe the solution relies on both chicken *and* egg simultaneously - who knows?

These essays provide a real insight into the current thinking on the future of mayors and local government. The essays here are punchy and persuasive, yet despite the strong differences of opinion, we can begin to see the potential for some kind of consensus for the future. We hope you enjoy reading them.

The essays here are punchy and persuasive, yet despite the strong differences of opinion, we can begin to see the potential for some kind of consensus for the future

Chapter 1

Show me the evidence that mayors are a good idea

Cllr Richard Kemp, *Leader of the LGA Liberal Democrat Group*

2,000 words to describe why we shouldn't support the concept of elected mayors in British politics. That's far too many – two will do "Stoke; Doncaster!" QED as we say down the pub in Liverpool. Thank you and good bye.

Stoke and Doncaster are two of the twelve councils who have adopted a mayoral model of governance (some say its thirteen but I will come back to that). They are two of the seven councils in the UK that are causing the Government, Audit Commission and political parties real concern about control and governance. Let's put this into perspective. That's 28.5 percent of all poorly performing councils. If that figure were applied to all the 380 councils in England it would mean 108 councils would be poorly performing and if that were the case local government would be shut down and rightly so!

Let's put the other side of the case. I fully agree that mayoralities in places like Watford, Newham and Hackney have radically transformed their local councils for the better. Mayors in those boroughs have taken a clear internal role by working with their senior staff to cut out waste, improve decision making and improve outcomes for residents in terms of the services provided by the council and its partners. They have also given a clear external role by developing to provide a strong base within the economies and communities to provide the best possible future for their areas. But so have council leaders in Hull, Islington, Rotherham, Coventry and Walsall. All these are councils which at the start of the CPA process in 2002 were heavily criticised by external inspectors and their citizens but where massive change has been produced internally and externally.

Even if you take out Doncaster and Stoke and just look at the other

10 (ignoring the fact that North Tyneside also had mayoral wobbles early on) you find no difference in the uplift in standards in mayoral authorities than that in comparator authorities led by leaders. Even the most partisan of mayoral cheer leaders, the New Local Government Network and DCLG (in the form of Paul Rowsell) have conceded the lack of evidence in terms of performance or the degree of trust afforded to mayors.

Stoke has now decided by referendum to abolish the mayoralty. This will leave in place a very weak council which will need a lot of help to bring round. But this has been done as the examples given above of Hull etc show. Doncaster will have a change in Mayor as the Mayor has announced that he will not seek re-election in June. But this will leave a 6 month gap between the Mayor heavily losing a vote of confidence and a new Mayor being inducted. I strongly suspect that in Doncaster residents there would vote for the abolition of the position if such a choice was put to them.

I strongly suspect that in Doncaster residents there would vote for the abolition of the position if such a choice was put to them.

Before coming back to what lessons I learn from this let us look at the thirteenth example which is most regularly quoted with approbation – London. London could be considered to be two things – but it cannot be considered as local government in any real way. Local government in London is provided by 32 unitary authorities who provide the full range of services of any upper tier authority and the Corporation of London, a small but perfectly formed unitary in its own special way. London has an Assembly (the GLA) which has its own pretensions but is basically a big scrutiny committee. In theory it has the all important job of agreeing the budget. In practice it has never been able to do more than tinker at the edges of the authority of the Mayor. It can check, call to account and monitor – all important functions, but the amount of things it can actually do is minimal. Indeed London councils, the voluntary membership organisation that brings together the 33 councils, has far more power and authority.

London could be described as a region. It is recognised as a region in its own right. It is one of the nine English regions; it has a regional government office and a regional budget, minister etc. Its population and GDP demands that it be treated in this sort of way and demands that coherence is brought to the provision of services and preparations for future threats and opportunities. No-one is suggesting anywhere else in the Country that there should be a mayor for a region. No mayor for the Northwest or Northeast or Yorkshire and the

I believe that not only London but the rest of the country should have an elected regional body

Humber. That would be regional government - a concept which Labour are too timid to advance and the Tories oppose!

London could be described as a conurbation. It is an agglomeration of areas and communities which hang together for employment, entertainment, educational and other practical purposes. Clearly, as a conurbation coherence needs to be brought to the planning of services and preparations for the future of this conurbation. No-one is suggesting Mayors for conurbations anywhere else in the Country. No Mayors for Merseyside or Leeds/Bradford or Greater Manchester.

Solutions exist for regional and sub-regional activity. I believe that not only London but the rest of the country should have an elected regional body. Not one man or woman but a deliberative body capable of looking widely at the strengths, weaknesses, opportunities and threats of the region.

At a lower level, the major conurbations have been working together for years. Irrespective of party control councils have merged budgets, planning and thinking as they have understood that no urban council is an island unto itself. Those informal activities have increasingly become formal with conurbations like Greater Liverpool and Greater Manchester coming together with legal agreements between themselves and the Government (Multi Area Agreements) and in terms of governance a range of public leaders' committees.

At both levels there is a need for all three political parties to develop

policies for governance and the break down of the quango state. Some moves have been made with Connexions and LSC activity returning to local councils (who often continue to deliver services on a sub regional basis. There is, however, still much to be done. Too much lies in the hands of bureaucrats in a government office of quangocrats at the RDAs. Current government proposals for regional select committees of MPs and regional ministers are laughable. Regional ministers have failed to make an impact they are probably not even a household name in their own household!

So if we ignore London because it's an irrelevance in local government terms where does that leave me and others in the quest for Mayors? I believe that there are some key questions that we need to ask:

1. Has a mayoral system improved turnout? No. Turnouts have been roughly the same in mayoral and comparator authorities after an initial first time surge. Much is made of London but a 45% turnout in an election which attracted national and international attention is no great shakes.
2. Are mayors better known in their areas than Council Leaders? There is no evidence to suggest this. Council Leaders, especially of big councils, are very well known in their areas and have local and regional media exposure.
3. Have mayors done better in improving the efficiency of their councils and improving levels of service? Clearly the answer is that it depends on the Mayor but in aggregate – No!
4. Have mayors done well in increasing investment (of all sorts) in their area because of exposure or effectiveness. Many councils have been able to show strong regeneration activity but no more so than council leaders. The Mayors of SE London can point to the Olympics (although the whole Country is paying for it). The Leaders of Liverpool and Manchester can point to massive international activity (the Capital of Culture and the Commonwealth games) and massive physical city centre regeneration.

5. Is a mayoral system more stable than a leader system? Clearly not. Although there has been a low turnover of Mayors there appears to be no difference with the turnover of Leaders. There does appear to have been a rapid turnover of deputy mayors!
6. Have the mayors brought more people into the political system? No obvious signs of this.
7. Have mayors enhanced diversity and created new models of Leaders? One woman out of twelve. No ethnic minorities. Mostly middle aged, middle class men replacing other middle aged, middle class men!

So an outside observer would probably need a lot of convincing that change is necessary. As I look at the three parties the idea has largely run out of steam. Labour Ministers believe in Mayors but not councillors and it is not seen as the white hope for local government that it seemed to be in 1999. Lib Dems have never been impressed with the idea. We did not even initiate the proposals in Watford although we won the ensuing mayoral election.

The Tories are deeply split. They launched the idea for twelve mayors for major areas (although they were a peculiar selection of authorities not necessarily the biggest or best known). Ironically the launch of the idea took place in Coventry where the controlling Tory Group could move a referendum tomorrow if it chose to. When I challenged the Tory Leaders of Coventry, Leeds and Birmingham to put down a resolution before their councils for a referendum on the issue I got a deafening silence.

You might say that most councillors oppose mayoralities but it is not in our interest or because we don't like change. Wrong. Most of us don't oppose them at all. I am an agnostic on the subject. I believe three things:

Firstly, I want evidence. Local government has become the most efficient part of the public sector (according to HM Treasury) because we have been open to new ideas, have embraced change and have made massive alterations to the substance of what we do and the gov-

ernance by which we oversee it. The evidence is either none existent or wholly inconclusive and for change to occur we need better than that.

Secondly, we need to look at all the options. I believe that local councils and their residents should be able to adopt the system of governance that they feel appropriate for their area and which they jointly approve by some method or another, preferably a referendum.

Thirdly, we need to make changes in governance to all the bodies which impact on a community. Whatever system councils use, we are open, transparent and accountable

– not least at the ballot box. So the way we spend the 25% of public money that we spend in our communities can be approved of or opposed by residents at the ballot

box. But what about the PCTs, the colleges, the RDAs, the environment agency, the housing associations and the countless quangos who sit around the LSP table and spend the remaining 75%. There is no point in making what are at best marginal changes to the way councils work if the quango state remains untouched and unaccountable.

Deal with these three issues properly and I believe there would be a lot more support for Mayors and that more areas would choose to both have referenda and to move to new systems. Don't deal with them and few will choose a new governance structure which they see to be adding little value and which is a massive irrelevance to us as we try to focus our attention on the day by day miseries caused to our citizens by the recession.

We need to make changes in governance to all the bodies which impact on a community

Malanga on Kemp:

When early American communities were deciding how to govern themselves, most opted for either the country form of government—in which groups of towns put major services in the hands of an elected county government—or they selected municipal govern-

ment, in which the power resided solely with each city or town.

I get the distinct impression from Richard Kemp's piece that many areas of Britain have chosen both regional and municipal government simultaneously, with the result of overlapping jurisdictions and responsibility for services split between councils of elected officials and bureaucratic quangos. To me this resembles the problems of certain American municipalities, the most notable of which is Los Angeles, where power is shared and often overlaps in the county and the city, and where commissions sometimes are responsible for important functions, such as overseeing the police department or public schools.

I believe that the most effective form of local government results from placing the responsibility for agencies and departments that deliver services directly under elected officials, whether they are mayors or councils. Unelected commissions (even if they are composed of commissioners appointed by elected officials) often prove least effective and most unresponsive to public demands.

A mayor who is responsible for only a small portion of local government will be as ineffective as an elected council with the same limited responsibilities. If Mr. Kemp's analysis of the issue is spot on, then clearly the local government reform effort must go deeper than merely shifting limited powers back and forth between a mayor's office and a council. It must untangle the local government structures and simplify them so that local voters know who is responsible for things when they go right—or wrong—and can hold them accountable.

Browne on Kemp

The success of the Mayor of London itself is in many ways the evidence that Mr Kemp is looking for. Although London is a special case - its sheer size makes it distinct from any other city in the UK - the need for oversight over all of the various functions is not. What makes the mayor of London a success is the clear visibility and lines

of accountability which lead directly to the mayor. People are tired of the stagnated political system, so why not ask the voters what system they would prefer?

Chapter 2

Mayors are a good idea, and here's the proof

Anthony Browne, *Policy Director, Mayor of London*

The first anniversary of Boris Johnson's election as Mayor of London was marked by a blizzard of commentary on how he had performed. Every national newspaper and most television channels indulged in it, provoking some observers to complain that the London mayoralty had almost reached the status of the presidency in the US. The Mayor of London was even acclaimed by Time magazine as one of the 100 most powerful men in the world.

Most of the judgements were favourable – Boris was doing a good job. But noticeably absent from any of the critiques was doubt that there should actually be a London mayor; Britain's finest asked questions about the serving mayor, but not the mayoralty itself. Just nine

years after it was created, the London mayoralty has become a permanent fixture of the British political landscape; life without a London mayor has become almost unthinkable. Although there were plenty of doubters at the outset, no

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mainstream politician now moots that the post of the Mayor of London should be abolished.

The existence of the London mayoralty has ascended rapidly from controversy to deafening consensus because of how well it is deemed to have worked. Even fierce opponents of individual mayors agree that the post itself has transformed London politics for the better. They might not have liked individual policies, but they could see that the policy-making process was good for London, being open, accountable and reflecting the public will.

At a time when the public is becoming alarmingly disenchanted with politics, the electrifying battle between Boris Johnson and Ken Livingstone in the 2008 London election increased turnout by 10%. Boris got over one million votes, the largest personal mandate of any politician in British history, and one of the largest personal mandates of any politician in the world. This high turnout has made the mayor of London more accountable and more powerful. His every move and utterance is examined under the media microscope. Any initial concerns that it would create a local despot for London have been eradicated, because he has to justify almost everything he does.

Even though he is a local politician, he has national profile second only to the Prime Minister. Although his formal powers are limited compared to his counterpart in New York, the mayor's personal mandate gives him far more extensive informal powers. He can bring people together and make things happen in a way that a local politician without such a mandate could only dream of. The doors of cabinet ministers and of Number 10 itself are open to him in a way they wouldn't be to a council leader. When the Mayor talks, the national government listens.

There was concern when Tony Blair introduced US-style mayors that it would introduce an unwelcome style of personality politics – an obsession with individual politicians rather than policies, where flamboyance triumphs over competence. In reality, the accountability of the mayor has eradicated that risk – if he was all show and no substance, the public would soon see through him.

More significantly, it has strengthened the individual politician over the party machine, which in many parts of the country effectively deprives voters of real choice. The power of the mayor's personal mandate, and the weakness of the party machines, was shown by Ken Livingstone's decision to stand as an independent in the first London mayoral election in 2000, when Labour rejected him as their candidates in preference for the utterly unimpressive Frank Dobson. The Prime Minister had decided that he didn't want Ken as London's first mayor, but the people chose differently. Not only did the mayoralty

work out so well that the Prime Minister was ultimately forced to let Ken back into the Labour fold, but it then decided in a second GLA Act to give the mayor greater powers. The new London system had proved itself a successful, accountable democracy, and it was rewarded with greater responsibility. It was coming of age.

Before the creation of the mayor, London was politically adrift – the only major city in the world without its own government. It was a stark contrast to many of the other powerful cities – such as New York, Paris or Tokyo – which not only have their own government, but a high profile mayor of national standing. But now London has a champion and spokesman commensurate with its status, giving it a sense of direction and purpose. The London Mayor, like the Mayor of New York, has a global profile, in line with their city's global standing. Without a mayor to lobby for it, London may well not have won the 2012 Olympics, and the Crossrail project would not have got off the ground.

The success of the London mayoralty illustrates well the benefits this new style of government can bring. Local government in Britain has been marred by lack of accountability and rule by mediocrity. With elected councillors choosing a council leader from their ranks it is not clear where responsibility for decisions lie, and the political process can be confusing and opaque. This alienates voters, reducing turn out, diminishing accountability, and fuelling the atrophy of the political process. The council leader system rewards party operators, rather than those who think about the interests of the public from first thing in the morning to last thing at night. Council leaders can come and go, leading to a lack of political continuity, whereas mayors have to serve out a full term.

The clear failings of local government have fuelled the centralisation of power in Britain. National governments have responded not by strengthening local government, but by clawing back powers from local government in a vicious circle that over the last thirty years has made Britain one of the most centralised countries in the developed world.

The mayoral system overcomes many of these disadvantages (and in doing so strengthens the case for devolving power). Focussing local

power in a US-style mayor makes it clear to everyone where the buck stops. By fighting to win votes directly, the mayor has to reflect the wishes of the voters rather than their party machine. By being able to appoint his team, a mayor can choose those he or she thinks best for the job, rather than having to choose from among those who have won an election as councillor. In Britain there is a general belief, drummed into us by MPs serving their own career interests in parliament, that to be democratically accountable, government must be made up of executives who are themselves elected – whether they be ministers in parliament at national level or cabinet members who are councillors at local level. But this opposition to the separation of powers between the executive and the legislature is anathema to many well functioning democracies, in particular the US. The new mayoralities in the UK are revolutionary in that they separate out the executive – the Mayor – from the legislature/assembly – the councillors – who hold the mayor to account. This should create a check and balance that is often lacking in local systems that don't have separation of powers. In a recent white paper, the Department of Communities and Local Government declared that mayors were the best form of local government.

As in London, most of the other mayoralities have transformed local politics for the better. As a recent IPPR article *Mayors Rule* details, in Middlesbrough, “Robocop” Ray Mallon cut crime by 18 percent in his first year in office, and authorities such as Hackney have dramatically improved their performance ratings after electing mayors. The election of a mascot monkey as mayor of Hartlepool was hailed by critics as proof of the drawbacks of the mayoral system, but when Stuart Drummond threw off his monkey costume and started taking the job seriously, he made a big impact on crime and education, and was rewarded with re-election with a massively increased majority. There is a growing body of evidence that links mayors with economic growth and regeneration.

The new mayoralities have generally improved the working of democracy. A study by the University of Manchester, Salford Univer-

sity, and Goldsmith's College entitled the *New Council Constitutions*, drew on surveys across the country to find that the new arrangements had led to "more visible and effective leadership", and had "enhanced democratic legitimacy of local government." At a time when local democracy is in apparently terminal decline, this is a remarkable achievement. The study found that giving more power to the leader resulted in better council performance, and that public satisfaction levels with councils is strongest where the leadership is stable and not subject to change, as is more the case with mayors than traditional council leaders. The public are alienated from politics when their leaders (whether at local level or national) get changed without them even being consulted on it – a strength of the mayoral system is that it is clearly up to the public, not the political activists, to decide who the leader is. Other surveys have shown that public recognition of mayors is far higher than of mere council leaders, increasing accountability and engagement with politics.

But although individual mayoralities in London and elsewhere have been successful, the same cannot be said for the mayoral movement – the idea has singularly failed to catch on. After his election victory in 1997, Tony Blair hoped that introducing US-style mayors would make Britain's dysfunctional local government functional again. But more than a decade later, it is clear that the experiment hasn't worked. The idea hasn't gained traction with the British public, who have generally said no to new mayors when asked. Since the Local Government Act 2000, there have been 36 referendums to create a mayor, and only one third of those were passed. Out of the 410 local authorities in England and Wales, the Act has resulted in just 12 directly-elected mayors (the London mayor was actually created by a different Act, and is technically not part of the local authority system). Nor have the new mayors been in the major conurbations. Mr Blair envisaged his mayors would inject life into cities such as Birmingham and Manchester, but they have been in lower profile locations, from Watford to Hartlepool.

But the failure of the mayoral vision to win over the British public, and to rescue local government across the country, has more to do

with the half-baked implementation of the scheme than the way that the mayoralties have performed.

The problems that the mayoralties have had in Britain is partly that - apart from the former prime minister Tony Blair - they lacked a sufficiently energetically champion in local government. John Prescott, when in charge of local government in the cabinet, was notably lukewarm about taking them forward. But more significantly, the new mayoral system was a revolution imposed from above that met resistance from established interests. It was a way to transfer power from the political class to the people, but the political class fought back. Under a mayoral system, councillors lose a lot of their power, and are reduced from being part of the executive to holding the executive to account. People who make adequate councillors, and survive in a system that rewards political insiders, knew they had no chance of being elected as mayor, and so would lose status in the new system. Councillors therefore overwhelmingly opposed the creation of mayors, fighting against local referendums, or urging a "no vote" if they were forced to have one. Under the legislation, a referendum to elect a mayor can only be triggered either by a majority vote from councillors or a petition signed by five per cent of constituents. With the local political class fighting any change, it is no surprise that there have been so few referendums, or that so many of those have resulted in a no vote. The London mayor would probably never have come to being if there had been an equivalent London political class to resist it, but after the abolition of the Greater London Council, there simply wasn't - it was easier to create the London mayoralty because it was filling a void.

Once created, mayoralties can attract high quality candidates that would simply be throttled by the old comfortable collegiate system of local politics. Ray Mallon in Middlesbrough and Boris Johnson in

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London (and indeed Michael Bloomberg in New York), would never have been able to make the contributions they have without a mayoral system. But before mayoralities are created, these would-be mayors are generally outside the local political process, and so in no position to campaign for them, and certainly no match for an established political class resisting change.

The answer to the triumph of local vested interests over the public interest is not to stop the process of change, but to reinvigorate it. The best way to do that is not to impose mayors against the wishes of the local population, but to reduce the ability of local councillors to resist change. That is what would be achieved by the Conservative Party's policy of holding referendums on mayors in the 12 biggest cities. If those twelve follow the path of London, then there is a strong case for rolling out mayoral referendums across the country, giving every voter in Britain the chance to say whether they would prefer live under a mayor or a council leader. Only then will the mayoral revolution really take off, rescuing British local politics from its long malaise.

Malanga on Browne:

To someone from America, the most provocative statement in Anthony Browne's long and fascinating history of the debate on mayors in the U.K. is this: "Tony Blair hoped that introducing US-style mayors would make Britain's dysfunctional local government functional again."

Do British citizens widely believe local government is dysfunctional? In the United States, the opposite is true. Surveys consistently show that people believe their own local elected officials to be the most effective of government representatives. By contrast, we are typically most disenchanted with the federal government—regardless of which party is in power. Some of this derives from the wariness our founders had of federalism. They believed that government which is closest to the people generally governs best (with some powerful exceptions over the years, of

course). This may be one reason why local elections, from mayoral races to council voting, are often hotly contested and more controversial than our federal congressional and U.S. Senate races.

If British citizens do truly believe local government is not functioning well, it is good that they are having this debate about the role that a mayor's office might play. I doubt you will come to one conclusion about how to proceed that satisfies every city, town and village, but the debate itself will no doubt improve municipal governance by focusing more attention on it.

Kemp on Browne:

There is no recognition here that London is a special case. Even when there was a GLC the Leader of the GLC was probably the best known local politician in the UK because of the size of the authority; the adjacency to the media and its metro-centric ways; and its adjacency to Parliamentary Leadership. There is no other London in the Country (Praise the Lord!) and the article does not answer what London is in governance terms - a region, a conurbation or a City - or all three.

Chapter 3

Lessons from the US: Let the voters decide

Steve Malanga, *City Journal*

In the late 19th century, political machines like Tammany Hall in New York governed many American cities. These powerful organizations, based on a patronage system which rewarded local political operatives for their support, reached from the pinnacle of power in city hall down to neighbourhood political clubs. They effectively controlled most municipal functions, from the police department to sanitation to public works.

What worked for these political machines, however, didn't necessarily work for the citizens of their cities, and a strong urban reform movement took shape in America to clean up municipal government. Led by figures like Teddy Roosevelt, who served as Police Commissioner of New York City five years before being elected President, the Progressive Reform movement attempted to instil professional efficiency and nonpartisan management into local governments. These reformers championed a type of government in which impartial city managers replaced mayors. The reformers also revamped the election process so that candidates could no longer run for office as members of a political party or local machine, but were instead identified on ballots only by name. Today, slightly more than half of all American cities are managed by some version of the reform government inspired by the Progressive movement. Many of America's newest cities, that is, cities in the Southwest and West that were founded in the 20th century, have adopted some form of city-council/city manager government in which an elected council appoints a nonpartisan mayor or manager to run the city.

But the rest of American cities, including many of the largest and oldest, continue to be governed by a directly-elected mayor whose

powers are separate from that of the local city council. In short, after a century, America still hasn't decided exactly which form of government it prefers for its cities. Mostly that's because America's cities are so different from one another that what suits one doesn't necessarily work for the other. There is no federal prescription for how to govern locally in America, and most Americans seem to like it that way.

If there is a trend, however, it is that newer cities and smaller ones have tended toward the city-manager approach, while older and larger cities have mostly retained the structure of an independently elected mayor. In large part this is because bigger cities have found that the issues they faces tend to require the services of a strong mayor who can be a civic cheerleader and make decisions based on partisan, or ideological, choices.

One way of illustrating this is to examine a favourite formulation of former New York City Mayor Fiorello LaGuardia, who governed from 1934 to 1945. LaGuardia saw himself as a Progressive Reformer who wanted to bring professional management and a nonpartisan brand of government to New York, still largely run by Tammany Hall at that point. One of his favourite sayings was, "There is no Republican or Democratic way to pick up the garbage," by which he meant that there is no ideology underlying the delivery of the basic services that municipal government provides.

But time has exposed LaGuardia's notion as somewhat naïve and unsophisticated, even in something as basic as the collection of garbage. Across America, Republican mayors and some moderate Democrats have controversially privatized sanitation services in big cities, in the process shrinking the public sector work force and cutting costs. But other mayors have steadfastly clung to a

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unionized, public-sector sanitation workforce largely because they view competition as undermining the standard of living of blue-collar government workers. Thus, even sanitation services can be partisan. So are larger issues, from reform of local education to methods of policing to delivery of social services. These are hardly subjects that a governing commission or bureaucrat-manager can decide easily in a place like Chicago or New York. Instead, large cities rely on the presence of a popularly elected mayor to tackle such controversial matters.

New York City is an example of the way in which such a mayor with broad powers can govern. The reforms that the city initiated first under Rudolph Giuliani and later under Michael Bloomberg are examples of how a strong mayoralty can help transform a city.

New York's mayor has imposing powers. He commands a budget of nearly \$60 billion, which I believe is the largest municipal budget directly under a mayor's control in the world. The mayor also has broad discretion in selecting city officials. He chooses his entire cabinet of city administrators—from the police commissioner to the head of the board of education to the director of the city's social services—at his own discretion, without any confirmation votes by the city council or any other body. Meanwhile, the city, which has sometimes been compared to an ancient Greek city-state in the powers that it assumes for itself, controls its own public assistance programs and has its own university system. Its police force, the largest force in the country, has its own intelligence gathering unit that operates worldwide, independent of federal operations like the Central Intelligence Agency and the Federal Bureau of Investigation.

Giuliani used the powers of the office and his electoral mandate to quickly make changes in the city when he assumed office in 1994. Most importantly, he selected his own police commissioner, William Bratton, who instituted an entirely new policing regime in New York City which focused on quality-of-life crimes—a controversial move that was heavily backed by Giuliani himself. Bratton

made sweeping changes in the police force, including instituting an entirely new management structure, revamping whole departments, and replacing a quarter of all precinct commanders in a short time. Those changes underlie the city's dramatic and quick results fighting crime. Violent offenses declined 10 percent Giuliani's first year in office, 13 percent his second year, and 14 percent his third year in office (ultimately declining by about two-thirds over his two terms).

A powerful mayor can actually impel national reforms in the United States. Public assistance is one area where that happened. In America, the states share responsibility for administering public assistance with the federal government, and New York State has given New York City responsibility for administering public assistance within its border. When Giuliani took office, about 1.1 million New Yorkers were on public assistance, constituting about 15 percent of the population. Many had been on public assistance for decades, and the city had no requirements that those getting help from the government seek work. Giuliani quickly changed the administration of public assistance in New York, instituting welfare-to-work strategies which compelled able-bodied adults to seek jobs. Welfare rolls fell under Giuliani by about 60 percent. More important, however, is that the city's welfare reform efforts became one of the models used by Congress in designing federal welfare reform, which came three years after Giuliani instituted his changes to the system.

Other cities with strong mayors have also helped set the national agenda. In local education, Milwaukee's mayor during much of the 1990s, Democrat John Norquist, became an advocate for reforming school systems by allowing parents to have more choices about where to send their kids. Working with the governor of his state, Republican Tommy Thompson of Wisconsin, Norquist helped to institute vouchers in Milwaukee and lobbied for other changes. The school reform movement, most especially the establishment of a range of choices for inner city parents, spread out from places like Wisconsin to other states during the 1990s.

Some mayors in America have become engines of change precisely because these mayors can claim a voters' mandate. In the mid-1990s, parents in Chicago were frankly disgusted with the performance of the local schools. But the mayor, Democrat Richard Daley, could not do much to change the system because he did not have control over appointing the superintendent of schools. Still, Daley was able to use popular outrage to lead a movement in the Illinois state legislature to give direct control, and therefore accountability, for the school system to the office of the mayor. When Daley achieved that goal he installed a powerful school reformer as Chicago's superintendent who made sweeping reforms, including closing down failing schools, instituting charter schools as alternatives for city kids, and installing new, scientifically-supported curricula. Years of inaction were supplanted by quick reforms once the mayor's office became accountable to city residents for the shape of the school system.

But large cities can also find reform difficult without a strong mayoralty. One example of that situation is Los Angeles, which is America's second largest city and which blends elements of the Progressive agenda into its municipal governance. Los Angeles elects its mayor through nonpartisan voting and invests its mayor with only a minimum of powers compared to other major cities. Commissioners and boards tend to wield much of the other power. Although Los Angeles has 3.8 million citizens, or 48 percent of New York's population, the Los Angeles mayor controls a budget of just \$7 billion. He does not select his own police commissioner, and his police force shares jurisdiction in Los Angeles with a county force. Nor can the Los Angeles mayor select the head of the local school system, which is under county control. He also has little influence over social welfare programs.

These limitations have made the Los Angeles mayor into a sometimes bystander, or mere advocate, compared to mayors in places like New York, Chicago or Milwaukee. The city's police department, plagued by corruption and clashes with citizens, including

the ill-fated Rodney King incident that led to six days of rioting in 1992, has often become a battle ground between police commissioners (who are appointed by an independent commission) and the mayor's office. Sometimes mayors have so violently disagreed with the selection of a candidate to run the department that they have worked to undermine his authority through public criticism. One result has been a department that was demoralized for years after the King incident and eventually taken over by a federal monitor. Finally in 2002, with citizen complaints about newly rising crime reaching a crescendo, Los Angeles' police commission did what Giuliani was able to do himself nearly a decade earlier; they hired Bratton to bring the same data-based policing methods and management structure to the LAPD that he had brought to New York.

The situation is similar in public education, which is controlled by the county in Los Angeles. The school system there performs poorly, with high school graduation rates low and stagnant. Yet although the current mayor, Antonio Villaraigosa, is intensely familiar with the problems because he once served as a delegate for the local teachers' union, his efforts at reform have been blocked. As a result, Villaraigosa has been reduced to forming a private committee, the Partnership for Los Angeles Schools, to lobby and pressure the board of education by electing reform-minded members to the board. After four years in office, Villaraigosa is still battling just to bring reformers into the system. Results will have to wait.

Of course, those who believe that government often creates as many problems as it solves would observe that a strong mayor with a forceful agenda can be an agent for the wrong kind of change, too. New York City found that out in the late 1960s when it elected a charismatic congressman, John Lindsay, as mayor. With aspira-

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tions for national office, Lindsay wanted to make New York a model of the new American city in the Civil Rights era, where city government worked to uplift the poor by vastly expanding social welfare programs. To do so he rapidly raised taxes and shifted spending into social programs. The results were catastrophic: a declining economy, fleeing businesses, shrinking municipal services and a doubling of the rolls of those on public assistance. The fiscal crisis his actions provoked drove the city to the edge of bankruptcy.

But under such a governance system, voters also know whom to blame. After the searing experience of near-bankruptcy, New Yorkers elected a strong fiscal reformer, Ed Koch, as mayor. The tough-minded Koch used the powers of the office to instill a new budget discipline into the city and led it through the boom years of the mid-1980s.

Perhaps in the end that is the best way to judge which system is best—by putting the question to the voters. In many cases they have responded by selecting what they consider to be the best attributes of each system, so that in America today there is now a blending

of what was once two distinct forms of municipal governance—the strong mayoral system and the nonpartisan city-manager/commission system. This has particularly been true in mid-sized American cities, because municipalities of this size can often see the benefits of both types of municipal governance.

The clearest message in the US seems to be that in the absence of a one-size-fits all solution, US cities have decided to let the voters choose.

For instance, some cities governed by an elected commission or council have switched to direct elections of mayors by the voters because they found that a city manager was not a suitable civic cheerleader. Other cities which have strong mayoralties, like Chicago, have added the role of chief municipal administrative operating officer, the equivalent of a city manager, to their gov-

ernance. For instance, some cities governed by an elected commission or council have switched to direct elections of mayors by the voters because they found that a city manager was not a suitable civic cheerleader. Other cities which have strong mayoralties, like Chicago, have added the role of chief municipal administrative operating officer, the equivalent of a city manager, to their gov-

erning structure to free the mayor to focus on policy and political issues.

Voters have weighed in on many issues regarding municipal governance, especially what kinds of elections they prefer. New York City voters overwhelmingly rejected a 2003 referendum to switch the city to nonpartisan mayoral elections—in which all candidates would run without party affiliation. A move to enact nonpartisan voting in Chicago’s mayoral race also died in the early 1990s when minority voters and elected officials in the city expressed concern that such a move would weaken the chances of African American candidates by eliminating party primaries, where minority voters often had an edge.

The clearest message in the US seems to be that in the absence of a one-size-fits all solution, US cities have decided to let the voters choose.

Browne on Malanga

I agree that putting the question to the voters is by far the best method of assessing whether or not Mayors are needed or even appropriate for different areas. There is no reason why different types of mayoralty should not emerge in different areas - in fact it could be a good driver for improvement and the evolution of the Mayoral system. Whilst the US has a good record on putting the question to the voters, what is important in the UK is that the current political elite cannot block demands for change without sufficient cause. This is the real challenge to reform for us.

Kemp on Malanga

This piece has two flaws. Firstly a fatal confusion between running and leading. In our system neither mayors nor Leaders run our councils. We lead them. We set direction and targets and

are responsible for community leadership and then monitor delivery. Delivery is effected by a professional team led by the Chief Executive. I believe that separation is right. Electing managers is not a good idea. Secondly, letting the voters choose which system sounds good, but is unlikely to happen. In 29 years as a councillor I have never been asked or challenged about structures. People just want their services delivered and expect us to sort things out.

About the Authors

Anthony Browne

A former national journalist, Anthony Browne was Director of the leading think tank Policy Exchange, and has written reports on issues ranging from the NHS to housing, education, environment and welfare reform for several think tanks. Anthony has a degree in mathematics from Cambridge University. His current role is to provide policy advice to the Mayor, and to research and develop new policies for London. Anthony is a former board member of Localis.

Richard Kemp

Cllr Richard Kemp has been a member of Liverpool City Council for 25 years. He has served as Chair of Housing, Education and Finance and was most recently the Executive Member for Housing, Neighbourhoods & Community safety. Richard is now the Leader of the Liberal Democrats at the Local Government Association, where he is also the portfolio holder for European and International Affairs. He is also a member of the Housing and Communities Advisory Board at the Audit Commission.

Steve Malanga

Steve Malanga is City Journal Senior Editor, a Manhattan Institute Senior Fellow and a RealClearMarkets.com columnist. He writes about the intersection of urban economies, business communities and public policy. Prior to joining City Journal, Steve was executive editor of Crain's New York Business for seven years. In 1995, he was a finalist for a Gerald Loeb Award for Excellence in Financial Journalism, and has also written articles on various topics for The Wall Street Journal, New York Daily News, New York Post, and other publications.

Tom Shakespeare

Tom joined Localis in June 2008, having previously worked for Policy Exchange where he contributed to a report on party financing called 'Paying for the Party'. He graduated in both Mechanical Engineering (BEng) and Politics (MA) at the University of Nottingham in 2007. His final year dissertation looked into the potential application of the second law of thermodynamics to agent-based models of human action and ethnic conflict. Tom leads on research for Localis, and amongst other things, has written several reports, including 'Information, Information' and 'The Future of Regional Governance'.

Directly Elected Mayors

Are they appropriate for all major UK cities?

There is currently a growing debate in respect to the value of a having directly elected mayor in every major city. This has largely been prompted by the success generated in London since 2000 from having an elected mayor. However, other places around the country have seen mixed results as a result of these mayors, and therefore debate remains rife about whether or not there is a case for extending this model across the country.

In this first publication of its type for Localis, this issue is debated between an advocate of mayors (Anthony Browne – Director of Policy, Mayor of London) and a Councillor who is skeptical about their value (Richard Kemp, Leader of the Liberal Democrat group on the LGA). The final article, by Steve Malanga of the City Journal in the US, takes an international perspective and shows us that the debate about local accountability is not unique to the UK.

These essays provide a real insight into the current thinking on the future of mayors and local government. The essays here are punchy and persuasive, yet despite the strong differences of opinion, we can begin to see the potential for some kind of consensus for the future.



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TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE –13th April, 2010

CHANGE OF EXECUTIVE ARRANGEMENTS

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

- 1.1 For members to consider the implications of changes in the law that require changes in the decision-making structure

2.0 RECOMMENDATIONS

- 2.1 Note the position regarding the proposed changes to the Council's decision-making structures
- 2.2 Recommend the proposed draft timetable to Council

3.0 SUMMARY

- 3.1 The Council needs to review its decision-making structures in the light of changes in the law. To do this the Council needs to approve the timetable, proposed consultation process and decision-making structures to ensure that a decision is taken by Council for implementation from May 2011.

4.0 PREVIOUS MINUTES

- 4.1 None

5.0 INFORMATION

- 5.1 This authority has to review its executive arrangements. Currently the Council elects a Leader. The Leader can then appoint up to nine other councillors to form a Cabinet. The Cabinet is collectively responsible for recommending an overall budget and the policies that make up the Council's policy framework to the Full Council.
- 5.2 The Cabinet then delivers and implements the budget and policies that have been decided by the Full Council and is also the focus for forming partnerships with other key organisations to address local needs. The Leader and Cabinet are held to account by the scrutiny committees which are made up of Councillors from all the political groups represented on the Council.
- 5.3 Under the Local Government and Public Involvement in Health Act 2007 the Council has to reconsider their decision-making arrangements, principally the two alternative options for how executive decision-making by Councillors should operate from May 2011.
- 5.4 The two options now available to the Council are:

Option A: Leader and Cabinet

Similar to the current arrangements, the Council elects a Councillor to become the Leader. This Leader would be elected for a period of four years instead of just one. As currently the Leader would still appoint up to nine Councillors to act as Cabinet members. The Leader would also decide their portfolios and the extent to which each Cabinet member could make decisions on an individual basis. The Leader would appoint a Deputy Leader who would also serve a four-year term.

The Council could also make provision in its constitution for removal of the Leader by resolution.

Option B: Directly elected Mayor and Cabinet

Directly elected by voters at the same time as they elect the other Councillors to serve for a period of four years. The Mayor would then choose a Cabinet of not more than nine Councillors.

The remaining elected Councillors would continue to have a role on the Council's scrutiny Committees and to hold the directly elected Mayor and Cabinet to account.

The Mayor would appoint a Deputy Mayor who would also serve a four-year term.

The Council would have to decide whether to continue also to have a traditional, civic and ceremonial Mayor and, if so, identify a way of differentiating the political Mayor's role from the ceremonial Mayor. Alternatively, the directly elected Mayor could carry out civic and ceremonial functions.

There is no provision for the removal of a directly elected Mayor during the four-year term of office.

Attached at Appendix 1 details a comparison between the 2 options.

6.0 TIMETABLE

Appendix 2 provides a detailed timetable for how this matter will be progressed through to Council at the end of November

7.0 OTHER INFORMATION

Equality & Diversity	The consultation process will be designed to integrate equality and diversity issues.
Environmental Impact	None arising directly from this report.
Legal Comment	The legal comment is set out within the main body of this report.
Links with Corporate Priorities	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in

	local democracy.
Opportunities & Risks	The opportunities and risks associated with this process have been assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.
Financial Implications	A budget is in place for payment of allowances to elected members under the current leadership structure. The total cost of member allowances paid under the proposed new structure will need to be managed within the resources available. Costs associated with the consultation exercise will be met from existing budgets. MLB 17.03.10.
Ward Implications	Borough wide

10.0 BACKGROUND PAPERS

Council Constitution

Report prepared by Jonathan Eatough, Head of Governance, telephone 01952 383200

Appendix 1

Leader and Cabinet Executives compared with Elected Mayor and Cabinet Executives

	Leader and Cabinet	Elected Mayor and Cabinet
Status	As now, the leader would be elected by the Council in May 2011	The mayor is not a councillor but is directly elected by voters.
Term of office	The leader's term of office would start on the day of his or her election as leader and ends four years later on the day of the post-election annual Council meeting.	The term of office of an elected mayor is expressly said to be four years.
Discharge of functions	The leader may discharge executive functions or may arrange for their discharge by: the cabinet, a member of the cabinet, a committee of the cabinet or an employee of the Council.	The mayor may discharge executive functions or may arrange for their discharge by: the cabinet, a member of the cabinet, a committee of the cabinet or an officer of the authority.
Appointment of Cabinet	The Council's constitution must provide for the leader to determine the number of councillors appointed to the Cabinet but this must be no less than two and no more than ten.	The constitution must provide for the mayor to determine the number of councillors appointed to the Cabinet but this must be no less than two and no more than ten.
Deputy	The leader must appoint a deputy leader, who will hold office as such until the end of the leader's term of office unless he or she resigns as deputy leader, ceases to be a member of the Council, or is removed by the leader. If the office of deputy leader is vacant, the leader must appoint one.	The mayor must appoint a deputy mayor, who will hold office as such until the end of the mayor's term of office unless he or she resigns as deputy mayor, ceases to be a member of the authority, or is removed by the elected mayor. If the office of deputy mayor is vacant, the mayor must appoint one.
Provisions if unable to act	If the leader is unable to act or the office of leader is vacant, the deputy leader must act in his or her place. If neither the leader nor the deputy leader is able to act, the cabinet must act in the leader's place or arrange for a member of the cabinet to do so. .	If the elected mayor is unable to act or the office of elected mayor is vacant, the deputy mayor must act in his or her place. If neither the mayor nor the deputy mayor is able to act, the cabinet must act in the mayor's place or arrange for a member of the cabinet to do so.

	Leader and Cabinet	Elected Mayor and Cabinet
Removal	A local authority's constitution may provide for the council to remove the leader by resolution at any time during the term.	No provision for removal during the mayor's term of office.
Appointment of assistants	In the Leader and Cabinet model, there is not a direct equivalent to the power for the Secretary of State to provide for the appointment of a person to provide assistance to an elected mayor. However, the Local Government and Housing Act 1989 contains provisions for the appointment of assistants by political groups.	The Secretary of State may by regulations make provision for or in connection with the appointment of a person to provide assistance to an elected mayor. The (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 have been made to provide for this.
Civic and ceremonial duties	The Council would be entitled to retain a civic and ceremonial Mayor who would also chair meetings of the full Council.	<p>Only the directly elected Mayor could use the title of "Mayor".</p> <p>The Council could decide to disestablish the position of a civic and ceremonial Mayor. In which case the directly elected Mayor would decide to what extent he or she would wish to perform civic and ceremonial functions.</p> <p>A Councillor would have to be appointed to chair Council meetings if the traditional position of civic and ceremonial Mayor was disestablished</p>

Appendix 2

Timetable for Process to consider options and agree changes to the Council's Executive Governance arrangements

Date	Committee/action	Purpose
13/04/10	Council's Constitution Committee (CCC)	To consider options and to recommend to Council the process and timetable for the review of the Council's Executive Governance arrangements.
29/04/10	COUNCIL	To agree the process and timetable for the review of the Council's Executive Governance arrangements. To agree delegation to the CCC to agree the consultation documentation.
01/04/10 – 21/05/10	Develop consultation documentation	Governance, Corporate Core service areas and reviewed by CMT
Tbc but during w/c 24/05/20	Council's Constitution Committee (CCC)	To agree the consultation documents (under delegation from Council).
01/06/10 to 31/08/10 (3 months)	Consultation	All affected by the Council's Executive Governance arrangements – including the Community, citizens panel, stakeholders, partners, parish councils, scrutiny etc (not an exhaustive list)
Early September 2010	Evaluation of responses	Governance & CMT
14/09/10 (moved from 07/09/10)	Present preferred option to Council's Constitution Committee (CCC)	Consider output from consultation and evaluation and recommend preferred proposal to Council for further consultation
07/10/10	COUNCIL	
11/10/10 - 19/11/10 (6 weeks)	Consultation on preferred option	To all previous consultees but particularly to those who made a comment.
23/11/10 - 29/11/10	Final papers to CMT and then prepared for despatch for CCC	Final papers prepared for CCC for recommendation to Council
07/12/10	Council's Constitution Committee (CCC)	Agree future arrangements to make final recommendations to Council.
16/12/10	COUNCIL (additional meeting)	To approve future arrangements
17/12/10 – 07/02/11 - 10/02/11	Update Constitution to reflect approved arrangements and reviewed by CMT	Governance
11/01/11 or 22/02/11	Council's Constitution Committee (CCC)	Review amendments to the Constitution to reflect approved arrangements
03/03/11	COUNCIL	Approve changes to the constitution to reflect the approved arrangements